

CHAPTER 257

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 19-258

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also REPRESENTATIVE(S) Esgar, Hansen, Ransom, Arndt, Bird, Buckner, Buentello, Cutter, Duran, Exum, Gonzales-Gutierrez,
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AN ACT

**CONCERNING CHILD WELFARE SERVICES FUNDED THROUGH FEDERAL CHILD WELFARE LAWS, AND,
IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 26-2-102.5, **add (3)** as follows:

26-2-102.5. Foster care - Title IV-E of the social security act - Title IV-E administrative costs cash fund - rules. (3) (a) THE STATE DEPARTMENT SHALL PURSUE CLAIMING TITLE IV-E ADMINISTRATIVE COSTS FOR INDEPENDENT LEGAL REPRESENTATION BY AN ATTORNEY FOR A CHILD WHO IS A CANDIDATE FOR TITLE IV-E FOSTER CARE OR WHO IS IN FOSTER CARE AND THE CHILD'S PARENT TO PREPARE FOR AND PARTICIPATE IN ALL STAGES OF FOSTER CARE LEGAL PROCEEDINGS. FEDERAL REIMBURSEMENT FOR THESE ADMINISTRATIVE COSTS MUST BE CREDITED TO THE TITLE IV-E ADMINISTRATIVE COST CASH FUND, CREATED IN SUBSECTION (3)(b) OF THIS SECTION.

(b) (I) THE TITLE IV-E ADMINISTRATIVE COST CASH FUND, REFERRED TO IN THIS SUBSECTION (3) AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF FEDERAL TITLE IV-E REIMBURSEMENTS FOR ADMINISTRATIVE COSTS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION.

(II) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(III) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR PURPOSES ESTABLISHED BY RULE OF THE STATE BOARD. THE STATE BOARD SHALL WORK

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

COLLABORATIVELY WITH THE STATE DEPARTMENT CONCERNING THE APPROVED PURPOSES AND ALLOCATION OF MONEY FROM THE FUND. APPROVED PURPOSES MAY INCLUDE BUT ARE NOT LIMITED TO ADVOCACY FOR HOMELESS AND AT-RISK YOUTH, EDUCATION ADVOCACY, AND ACTIVITIES AND ADVOCACY IN SPECIALTY COURTS THAT SERVE CHILDREN AND FAMILIES INVOLVED IN THE CHILD WELFARE SYSTEM.

(IV) THE STATE DEPARTMENT SHALL SUBMIT AS PART OF THE ANNUAL BUDGET PROCESS A REQUEST FOR SPENDING AUTHORITY FOR MONEY CREDITED TO THE FUND. THE REQUEST MUST INCLUDE A DESCRIPTION OF THE PURPOSE FOR THE SPENDING AUTHORITY, THE METHOD THROUGH WHICH THE ALLOCATION WAS DETERMINED, AND THE AGENCIES TO WHICH THE ALLOCATIONS ARE TO BE MADE.

(V) FEDERAL REIMBURSEMENTS RELATED TO ADMINISTRATIVE COSTS OF INDEPENDENT LEGAL REPRESENTATION INCURRED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE AND THE OFFICE OF RESPONDENT PARENTS' COUNSEL MUST BE DISBURSED FROM THE CASH FUND TO THE AGENCIES AS INCURRED AND PURSUANT TO THE STATE DEPARTMENT'S MEMORANDUM OF UNDERSTANDING WITH THE AGENCIES.

SECTION 2. In Colorado Revised Statutes, 26-5-105.4, **amend (9); and add (8.5)** as follows:

26-5-105.4. Title IV-E waiver demonstration project - county performance agreements - Title IV-E waiver demonstration project cash fund created - rules - repeal. (8.5) ON OR BEFORE JANUARY 2, 2020, ON BEHALF OF COUNTIES PARTICIPATING IN THE TITLE IV-E WAIVER DEMONSTRATION PROJECT, THE DEPARTMENT SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE A DETAILED PLAN FOR THE SUSTAINABILITY OF INTERVENTIONS DEFINED IN THE PERFORMANCE AGREEMENTS DEVELOPED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. THE PLAN MUST INCLUDE INFORMATION CONCERNING EACH COUNTY THAT HAS AN ESTABLISHED PERFORMANCE AGREEMENT, THE FUNDING EACH COUNTY HAS RECEIVED DURING THE PERIOD OF THE PERFORMANCE AGREEMENT, THE TYPE OF INTERVENTIONS DEFINED IN EACH COUNTY PERFORMANCE AGREEMENT, THE NUMBER OF CHILDREN AND FAMILIES SERVED IN EACH COUNTY BY INTERVENTION TYPE, THE AMOUNT OF WAIVER FUNDING ALLOCATED TO EACH INTERVENTION BY EACH COUNTY, AND THE METHOD THROUGH WHICH THE COUNTY AND STATE DEPARTMENT WILL ADDRESS THE DECREASE IN FUNDING THAT WILL RESULT UPON THE REPEAL OF THIS SECTION.

(9) This section is repealed, effective June 30, ~~2019~~ 2020.

SECTION 3. In Colorado Revised Statutes, 26-5-104, **amend with relocated provisions (7)** as follows:

26-5-104. Funding of child welfare services provider contracts - funding mechanism review - fund- report - rules - definitions - repeal. (7) Close-out process for county allocations. (a) [Similar to former 26-5-104 (7)(a)] (I) THERE IS CREATED IN THE STATE TREASURY THE CHILD WELFARE PREVENTION AND INTERVENTION SERVICES CASH FUND, REFERRED TO IN THIS SUBSECTION (7) AS THE "FUND". THE FOLLOWING TWO SPECIAL ACCOUNTS ARE CREATED IN THE FUND:

(A) THE SMALL- AND MEDIUM-SIZED COUNTIES ACCOUNT, REFERRED TO IN THIS SUBSECTION (7) AS THE "SMALL- AND MEDIUM-SIZED ACCOUNT"; AND

(B) THE ALL-COUNTIES ACCOUNT, REFERRED TO IN THIS SUBSECTION (7) AS THE "ALL-COUNTIES ACCOUNT".

(II) **[Similar to former 26-5-104 (7)(a)(III)]** THE STATE DEPARTMENT IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, AND DONATIONS, WHICH MUST BE TRANSFERRED TO THE FUND AND CREDITED TO THE ALL-COUNTIES ACCOUNT WITHIN THE FUND.

(III) IN ADDITION TO TRANSFERS CREDITED TO THE ALL-COUNTIES ACCOUNT WITHIN THE FUND PURSUANT TO SUBSECTION (7)(a.6) OF THIS SECTION, THE GENERAL ASSEMBLY MAY DIRECTLY APPROPRIATE GENERAL FUND MONEY TO THE FUND. IF THE GENERAL ASSEMBLY MAKES A DIRECT APPROPRIATION OF GENERAL FUND MONEY TO THE FUND, THE MONEY MUST BE CREDITED TO THE ALL-COUNTIES ACCOUNT WITHIN THE FUND. THE STATE DEPARTMENT, IN CONSULTATION WITH THE COUNTIES, SHALL DETERMINE THE ALLOCATION OF ANY MONEY CREDITED TO THE ALL-COUNTIES ACCOUNT WITHIN THE FUND, WHICH MONEY MAY BE ALLOCATED TO ALL COUNTIES, REGARDLESS OF SIZE.

(IV) THE STATE DEPARTMENT, IN CONSULTATION WITH COUNTIES, SHALL ALLOCATE ALL MONEY FROM THE FUND TO INCREASE LOCAL CHILD WELFARE PREVENTION AND INTERVENTION SERVICES CAPACITY, WHICH ALLOCATIONS MUST BE USED BY A COUNTY FOR THE DELIVERY OF CHILD WELFARE PREVENTION AND INTERVENTION SERVICES THAT HAVE BEEN APPROVED BY THE STATE DEPARTMENT.

(V) **[Similar to former 26-5-104 (7)(a)(V)]** THE STATE DEPARTMENT SHALL WORK COLLABORATIVELY WITH THE STATE BOARD OF HUMAN SERVICES TO PROMULGATE RULES CONCERNING THE ALLOCATION AND USE OF MONEY FROM THE FUND.

~~(a)~~ (a.3) **[Formerly 26-5-104 (7)(a)]** (I) For state fiscal year 2018-19, and for each state fiscal year thereafter, the state department shall retain any unspent general fund money included in the initial allocation to each balance of state county, up to five percent of the total general fund money allocated to balance of state counties, as described in subsection (4)(b) of this section and referred to in this ~~subsection (7)(a)~~ SUBSECTION (7) as "small- and medium-sized counties".

(II) Retained money pursuant to ~~subsection (7)(a)(I)~~ SUBSECTION (7)(a.3)(I) of this section must be transferred into the ~~child welfare prevention and intervention services cash~~ FUND AND CREDITED TO THE SMALL- AND MEDIUM-SIZED ACCOUNT WITHIN THE fund. ~~which is hereby created in the state treasury and referred to in this subsection (7) as the "fund".~~

~~(III) The state department is authorized to accept gifts, grants, and donations, which must be transferred into the fund, in addition to transfers from the general fund as appropriated by the general assembly.~~

~~(IV)~~ (III) Money from the SMALL- AND MEDIUM-SIZED ACCOUNT WITHIN THE fund must be allocated by the state department, in consultation with SMALL- AND

MEDIUM-SIZED counties, to small- and medium-sized counties to increase local child welfare prevention and intervention services capacity and ~~shall~~ MUST be used by counties for the delivery of child welfare prevention and intervention services that have been approved by the state department.

~~(V) The state department shall work collaboratively with the state board of human services to promulgate rules concerning the allocation and use of money from the fund.~~

(a.5) Subject to the limitations set forth in this subsection (7), the state department may, at the end of a state fiscal year based upon the recommendations of the child welfare allocations committee, allocate any unexpended capped ~~funds~~ MONEY for the delivery of specific child welfare services to any one or more counties whose spending has exceeded a capped allocation for such specific child welfare services. ~~Subsequent to the allocation of any unexpended capped funds, any remaining state general fund money must be transferred into the fund for allocation by the state department to counties for the delivery of state department-approved child welfare prevention and intervention services.~~

(a.6) SUBSEQUENT TO THE ALLOCATION OF ANY UNEXPENDED CAPPED MONEY PURSUANT TO SUBSECTION (7)(a.5) OF THIS SECTION, ANY REMAINING STATE GENERAL FUND MONEY MUST BE TRANSFERRED TO THE FUND AND CREDITED TO THE ALL-COUNTIES ACCOUNT WITHIN THE FUND FOR ALLOCATION BY THE STATE DEPARTMENT TO COUNTIES FOR THE DELIVERY OF STATE-DEPARTMENT-APPROVED CHILD WELFARE PREVENTION AND INTERVENTION SERVICES.

(b) A county may only receive ~~funds~~ MONEY pursuant to the provisions of ~~subsection (7)(a)~~ SUBSECTION (7)(a.5) of this section if the requirements of section 26-5-103.5 (4) have been satisfied, for expenditures other than those attributable to administrative and support functions as referred to in section 26-5-101 (3)(m), as defined in accordance with the provisions of section 26-5-103.5 (4), and for authorized expenditures attributable to caseload increases beyond the caseload estimate established pursuant to subsection (3) of this section for a specific capped allocation.

(c) A county may not receive ~~funds~~ MONEY pursuant to the provisions of ~~subsection (7)(a)~~ SUBSECTION (7)(a.5) of this section for authorized expenditures attributable to caseload increases for services in one capped allocation from unexpended capped ~~funds~~ MONEY in another capped allocation.

(d) As used in this section, "unexpended capped ~~funds~~" MONEY" means ~~funds~~ MONEY that have been appropriated for child welfare services, allocated to a county or group of counties as a capped allocation or allocations pursuant to the provisions of subsection (4) of this section.

SECTION 4. Appropriation - adjustments to 2019 long bill. (1) To implement this act, the general fund appropriation made in the annual general appropriation act for the 2019-20 state fiscal year to the department of human services for use by the division of child welfare for child welfare services is decreased by \$9,700,000.

(2) For the 2019-20 state fiscal year, \$9,700,000 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from federal temporary assistance for needy families block grant money. To implement this act, the division may use the appropriation for child welfare services.

SECTION 5. Appropriation. (1) For the 2019-20 state fiscal year, \$9,700,000 is appropriated to the child welfare prevention and intervention services cash fund created in section 26-5-104 (7)(a)(I), C.R.S. This appropriation is from the general fund. The department of human services is responsible for the accounting related to this appropriation.

(2) For the 2019-20 state fiscal year, \$9,700,000 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from reappropriated money in the child welfare prevention and intervention services cash fund pursuant to subsection (1) of this section. To implement this act, the division may use the appropriation for child welfare prevention and intervention services.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 2019